

STANDARD APPLICATION  
Harford County  
Board of Appeals

Bel Air, Maryland 21014

APR 22 2004

Case No. 5426  
Date Filed 4/20/04  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$450-

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code \_\_\_\_\_

CASE 5426 MAP 35 TYPE Variance

- ☐ Administrative Decision/Interpretation  
☐ Special Exception  
☐ Use Variance  
☐ Change/Extension of Non-Conforming Use  
☐ Minor Area Variance  
☐ Area Variance  
☐ Variance from Requirements of the Code  
☐ Zoning Map/Drafting Correction

ELECTION DISTRICT 3 LOCATION 641 Priestford Road, Churchville, Md. 21028

BY Mark J. and Carol A. Huna

Appealed because a variance pursuant to Section 267-34C, Table II of the Harford County Code to allow an attached garage within the 20 foot side yard setback (proposed 12 foot) in an Agricultural

District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name MARK J. & CAROL A. HUNA Phone Number (410) 836-2611

Address 641 PRIESTFORD ROAD CHURCHVILLE MD. 21028  
Street Number Street City State Zip Code

Co-Applicant \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

## Land Description

Address and Location of Property 641 PRIESTFORD ROAD

Subdivision JAMES E. CAPLEY Lot Number 6

Acreage/Lot Size 0.717 AC Election District THIRD Zoning AG

Tax Map No. 35 Grid No. 30 Parcel 53 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: RESIDENTIAL (DWELLING, SHED, POOL)

Estimated time required to present case: 30 MINUTES

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

## Request

TO ALLOW THE CONSTRUCTION OF AN ATTACHED GARAGE  
WITH A SIDE YARD OF 12 FEET INSTEAD OF THE REQUIRED  
20 FEET.

## Justification

THE OWNERS WISH TO CONSTRUCT A GARAGE AND WOULD  
PREFER THAT IT BE ATTACHED TO THE EXISTING DWELLING. THE  
ONLY PRACTICAL LOCATION IS AS PROPOSED.

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

JOHN AND SANDRA HOLCOMB  
701 PRESTFORD RD.  
CHURCHVILLE, MD. 21028  
L. 4630 F. 577

"DOCK LEE"  
L. 62 F. 67

JAMES AND ROSE ABEL  
653 PRIESTFORD RD.  
CHURCHVILLE, MO. 21028  
L-1420 F. 698

DOCK LEE  
L. 60  
F. 25

DOCK LEE, JR.  
651 PRIESTFORD RD.  
CHURCHVILLE, MD. 21028  
L.1925 F.579

**OWNER**

MARK J. AND CAROL A. HUNA  
641 PRIESTFORD ROAD  
CHURCHVILLE, MD. 21028  
ACCOUNT NO. 216349  
DEED REF: L. 1739 F. 757

COMMON DRIVE  
EASEMENT

RESUBDIVISION OF  
LOTS 4 & 5  
"JAMES E. CAPLEY"  
59-61

AUGUST AND RHONDA  
STANLEY  
707 PRIESTFORD ROAD  
SHURCHVILLE, MD 21028  
L.1549 F.391

EX.  
DWLS.

52°49'27"E 125

EX-11 "JAMES E. CAPLEY"  
SH30 L11E41

10 DEAN AG &  
UTILITY EASEMENT

⑦

EX. DYLG.

FRANK POMPONI, JR.  
639 PRIESTFORD RD  
CHURCHVILLE, MD. 21028

40 SETBACK  
LINE

30 ROAD  
IMPROVEMENT R/W

N 02° 49' 27" W 125'

PRIESTFORD  
(MO. RTE. 136)

ROAD

**PLAT TO ACCOMPANY PETITION  
FOR ZONING VARIANCE**

641 PRIESTFORD ROAD

LOT 6, PLAT OF JAMES E. CAPLEY

L. 11F.41

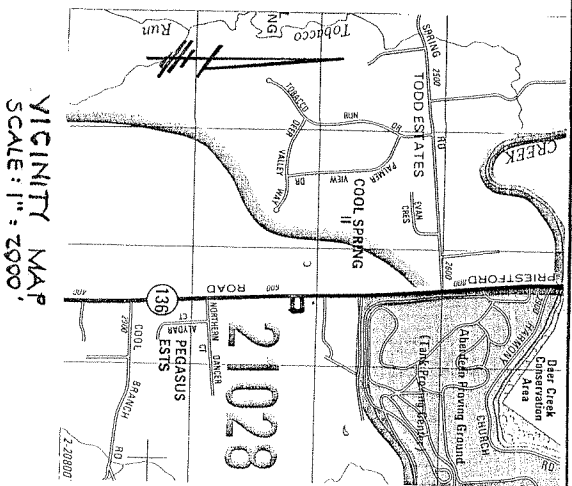
### THIRD ELECTION DISTRICT

HARFORD COUNTY, MARYLAND

SCALE: 1 INCH = 50 FEET APRIL 12, 2004

NOTES

1. ZONING.....AG  
2. LOT AREA.....0.717 ACRE  
3. APPROVAL OF THIS APPEAL WILL NOT VIOLATE DEED RESTRICTIONS



**JAMES M. HARKINS**  
HARFORD COUNTY EXECUTIVE

**JOHN J. O'NEILL, JR.**  
DIRECTOR OF ADMINISTRATION



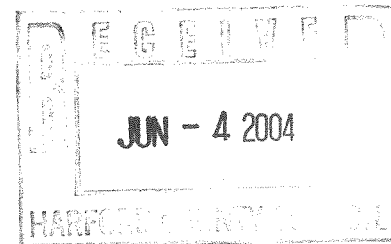
**J. STEVEN KALL-ZIEGLER**  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

### Department of Planning and Zoning

June 3, 2004

#### **STAFF REPORT**



#### **BOARD OF APPEALS CASE NO. 5426**

APPLICANT/OWNER: Mark J. and Carol A. Huna  
641 Priestford Road, Churchville, Maryland 21028

REPRESENTATIVE: Applicants

LOCATION: 641 Priestford Road/Lands of James E. Capley  
Tax Map: 35 / Grid: 3D / Parcel: 53 / Lot: 6  
Election District: Third (3)

ACREAGE 0.6313 of an acre

ZONING: AG/Agriculture

DATE FILED: April 20, 2004

HEARING DATE: June 23, 2004

#### **APPLICANTS' REQUEST and JUSTIFICATION:**

##### Request:

"To allow the construction of an attached garage with a side yard of 12 feet instead of the required 20 feet."

*Preserving our values, protecting our future*

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • [www.co.ha.md.us](http://www.co.ha.md.us)

*This document is available in alternative format upon request.*

## STAFF REPORT

Board of Appeals Case Number 5426

Mark & Carol Huna

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### Justification:

“The owners wish to construct a garage and would prefer that it be attached to the existing dwelling. The only practical location is as proposed.”

### **CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code to allow an attached garage within the 20-foot side yard setback (12-foot proposed) in an AG/Agricultural District.

Enclosed with the report is a copy of Section 267-34C, Table II of the Harford County Code (Attachment 1).

### **LAND USE and ZONING ANALYSIS:**

#### Land Use – Master Plan:

The Applicants' property is located north of MD Route 22, on the east side of Priestford Road (MD Route 136). A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

The subject area is located outside of the Development Envelope. The predominant land use designation is Agricultural/AG Residential. The Natural Features Map reflects parks, Federal Lands owned by Aberdeen Proving Ground, stream buffer systems, Deer Creek Scenic River District and Agricultural Preservation Districts and Easements. The subject property is designated as Agricultural/AG Residential, which is defined by the 1996 Master Plan as:

**Agricultural/AG Residential** – Areas where agriculture is the primary land use. Where developments rights are available, residential development at a density of 1.0 dwelling unit for every 10 acres is possible. Commercial uses within this area are intended to serve the agriculture industry or residents of the area.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Features Map (Attachments 4 and 5).

#### Land Use – Existing:

The existing land uses generally conform to the overall intent of the 1996 Master Plan. The predominant land use is agriculture, which includes cropland, pastureland and large areas of dense woodland. There are also several single-family residential developments in this area. The topography of the area ranges from rolling to steep, especially near Deer Creek and the stream valleys. Enclosed with the report is a copy of the aerial photograph (Attachment 6).

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The Applicants' property is located on the east side of Priestford Road (MD Route 136), which is designated as a Minor Arterial-Rural Road. The lot is part of the Lands of James E. Capley subdivision, recorded in March 1962 (Attachment 7). The lot is rectangular in shape and approximately 0.631 of an acre in size. The topography of the property is rolling and sits approximately 10-feet higher than Priestford Road. It slopes up from the road to the front of the house, leveling off in the area of the house and again rising more sharply from the rear of the dwelling to the rear property line. Improvements consist of a brick and frame bi-level single-family dwelling with an attached deck on the rear. Other improvements include a blacktopped driveway and parking area, a split rail fence with wire mesh fencing on the inside, a utility building and an above ground pool. The property contains large, mature trees and shrubbery. Access to the lot is from a shared driveway with the parcels to the rear. Enclosed with the report is a topography map for the area, an enlargement of the aerial photograph and site photographs (Attachments 8, 9 and 10).

### Zoning:

The zoning classifications conform to the existing land uses and the intent of the 1996 Master Plan. The predominant zoning classification is AG/Agricultural. There are also areas of RR/Rural Residential. The subject property is zoned AG/Agricultural as shown on the enclosed Zoning Map (Attachment 11).

### SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code to allow an attached garage within the 20-foot side yard setback (12-foot proposed) in an AG/Agriculture District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicants must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The proposed location of the garage is the most practical area given the existing topography. The septic system is located in front of the dwelling and the well is located to the rear of the house. The 50-foot right-of-way that adjoins the subject property contains the driveway that is shared by lots 1 and 2 and the remaining lands in the Dock Lee subdivision and the Applicants' property (Attachments 12 A and B). While the garage addition will only be 12-feet from the property line it will be approximately 40-feet from the common drive and 80-feet from the nearest adjacent residence. If approved the proposal should have no adverse impact on the intent of the Code or on the adjacent properties.

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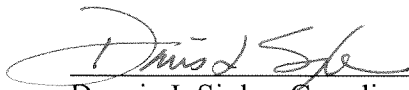
Mark & Carol Huna

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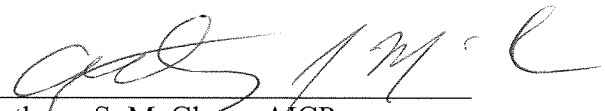
The Applicants have submitted six letters from adjoining property owners indicating they have no objection to the variance for the garage (Attachments 13 A-F).

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the requested variance be approved subject to the Applicants obtaining all necessary permits and inspections for the garage.

  
\_\_\_\_\_  
Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

DJS/ASM/ka

  
\_\_\_\_\_  
Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning